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ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS

Use of civilian personnel in peace-keeping operations

Report of the Secretary-General

I. INTRODUCTION

1. The Secretary-General last reported to the General Assembly on the specific subject of civilian personnel in peace-keeping operations in 1990 (A/45/502). That report, which dealt mainly with personnel provided by Governments, led to the adoption by the Assembly of resolution 45/258 of 3 May 1991, in which it approved the procedures and the basis for the participation of such persons in peace-keeping operations, and requested a further report on the use of civilians in peace-keeping operations, a request reiterated the following year in resolution 47/218 A of 23 December 1992, as well as on a number of other aspects of the administration of such operations.

2. Those earlier requests have been supplemented by the recent adoption of General Assembly resolution 47/218 B of 14 September 1993, as well as by a series of reports by the Advisory Committee on Administrative and Budgetary Questions, notably its report on administrative and budgetary aspects of the financing of peace-keeping operations (A/47/990). Recommendations, suggestions and requests have also been made by the Special Committee on Peace-keeping Operations (A/47/253-S/21269, A/47/386 and more recently A/48/173) and by the General Assembly in its related resolution 47/71 of 14 December 1992. The present report is intended to respond to all those documents. Its use of the terms "mission" and "peace-keeping operation" should be understood as including all field operations of the United Nations.

3. In the preparation of the present report, the Secretary-General has been mindful of the conclusions and recommendations reached by the Joint Inspection Unit in a report on mission staffing (A/48/421, annex); he shares the views as well as the reasoning expressed therein as to the need for outside recruitment

to be more actively pursued. The Secretary-General has also taken account of views expressed by representatives of Member States participating in an informal working group that met at Headquarters between July and October 1993 to consider all aspects of United Nations peace-keeping operations.

4. Since the Secretary-General last reported on civilian personnel in peace-keeping operations (A/45/502) and, as was stated in his report (A/47/965-S/25944) on the implementation of the recommendations contained in "An Agenda for Peace" (A/47/277-S/24111), as well as in his report on the work of the Organization under the heading "Peace-keeping in a changing context", 1/ the use of such personnel has increased considerably. Not only have the number and size of peace-keeping operations grown at an unprecedented rate, but their scope has tended increasingly to extend beyond traditional military concerns into such areas as election monitoring, policing, humanitarian affairs and even, as in the case of the United Nations Transitional Authority in Cambodia (UNTAC), national administration. Thus the civilian personnel, in addition to categories traditionally required for an operation (political and legal affairs, public information, personnel administration, finance and budget, general support functions, etc.), have tended more and more to expand into these new areas. The "new generation" of peace-keeping missions requires additional sources of qualified and readily available civilian personnel. This requirement has not been successfully met in all cases. There is currently a fairly high vacancy rate in authorized posts in some field operations and the anticipated requirements of future operations may well exacerbate the problem. The present report surveys major existing sources of civilian personnel, and suggests the pursuit of an innovative approach towards the alleviation of the shortage in civilian personnel in both existing and future missions.

II. CIVILIAN PERSONNEL PROVIDED BY GOVERNMENTS

5. As stated by the Secretary-General in his report (A/45/502), there are certain "core" functions in peace-keeping operations that must be performed by United Nations staff members rather than by personnel provided by Governments. Such core functions, in the opinion of the Secretary-General, can be defined as "the political direction and the administration of an operation in all its facets". These include the formulation of policy and functions involving financial or personnel certifying authority (see A/45/801, para. 32). Bearing in mind this limitation, significant numbers of civilian staff have been provided by Governments for recent operations, particularly for short periods in the capacity of election monitors and human rights officers (United Nations Observer Mission to Verify the Referendum in Eritrea, United Nations Transitional Assistance Group in Namibia, United Nations Observer Mission to Verify the Electoral Process in Nicaragua, United Nations Angola Verification Mission and United Nations Transitional Authority in Cambodia). The Secretary-General notes that in its recent report (A/47/990), endorsed by the General Assembly in resolution 47/218 B of 14 September 1993, the Advisory Committee asked for the development of specific guidelines for the participation of civilian personnel provided by Governments along the lines of those already issued for election and police monitors. He is pleased to report the signing, on 13 September 1993, of a memorandum of understanding to that effect with the Government of one Member State within the framework approved by the General

Assembly in its resolution 45/258. Similar memoranda are currently being negotiated with other Governments.

6. In common with Member States, the Secretary-General favours the extensive use in peace-keeping operations of qualified civilian personnel made available - on either a loan or a secondment basis - by Governments. A number of notes verbales to that effect have been circulated. Indeed, the Secretary-General urges Member States to provide not only individuals, but also organized teams of personnel to meet specific and urgent needs of missions, whether as direct providers or as intermediaries with international service agencies incorporated in their respective jurisdictions (as to the latter source of personnel (see paras. 19-37 below).

7. While government nominations have made it possible to strengthen appreciably the rosters of prospective candidates for mission service, this important source is nevertheless insufficient. In particular, it has been proven difficult in practice always to match the qualifications and capacities of persons offered for service by their Governments with the needs of specific operations.

III. CIVILIAN STAFF ASSIGNED FROM THE SECRETARIAT

8. Staff members assigned from established United Nations offices, principally New York, make up the majority of international civilian personnel in peace-keeping operations. They perform the "core" functions described in paragraph 5 above, as well as support functions in the Professional, Field Service and General Service categories. They have the advantage of being familiar with United Nations policies and practices and, until fairly recently, it has normally been possible to deploy them to the field relatively quickly when new operations have been established or existing ones expanded.

9. Although the Secretary-General has the authority to assign staff members to duty stations anywhere in the world, it has been the policy to assign to peace-keeping operations only those who volunteer for such service. This approach reflects the fact that most peace-keeping assignments are in sites or areas considered "non-family" for reasons of hardship or security. Indeed, when the Organization's peace-keeping responsibilities began expanding rapidly in the late 1980s and early 1990s, large numbers of staff in established offices volunteered for mission service and a great number of them were successfully placed in posts that matched their qualifications and levels of experience. It has become increasingly difficult, however, to draw on this source because staff resources at established offices at Headquarters have become so depleted that other ongoing programmes of the Organization are being delayed and supervisors are less and less willing to release staff, particularly those whose performance is above average. It should further be noted in this context that the qualifications of staff volunteering for mission service often correspond to some actual requirements in the field, but never to all.

10. One factor limiting the number of staff volunteering for mission service is the security risk involved. Another is the perception that such service may impair a staff member's promotion and/or career prospects. This has been one of

the issues addressed on a priority basis by a Secretariat working group on field staffing that was established in January 1993. Remedial action, in the form of new procedures, was taken by the Office of Human Resources Management (OHRM). Other initiatives in this respect are currently being actively pursued. They deal, inter alia, with issues pertaining to assignment to, and reintegration from, the mission area and include the possible introduction of incentives for mission service, as well as a study of how a systematic rotation policy might be developed for the Secretariat.

IV. CIVILIAN STAFF PROVIDED FROM OTHER ORGANIZATIONS IN THE UNITED NATIONS SYSTEM

11. The secretariats of the other organizations in the United Nations system are another source of qualified and experienced civilian staff for peace-keeping operations. Although the Secretary-General has made repeated appeals for volunteers from these secretariats, the responses have not always brought about the results expected. The reasons for this may be similar to those indicated in the preceding paragraph with reference to the United Nations Secretariat. The Secretary-General intends to pursue this matter vigorously through the mechanisms of the Administrative Committee on Coordination (ACC).

V. CIVILIANS RECRUITED INDIVIDUALLY FROM OUTSIDE THE UNITED NATIONS SYSTEM

12. Recruitment of new staff members from non-governmental sources outside the United Nations system has been actively pursued to help satisfy the increased demand for mission personnel. The pool of potential candidates is very large and is increasing as military establishments in many countries are cut back to reflect the changed international political climate. The names of several thousand potential recruits are on the rosters maintained by OHRM, and measures are being taken to extend those rosters and also to refine them so that candidates with qualifications and skills matching specific mission positions can be more easily and quickly identified. This is one of the areas being pursued by the Secretariat working group referred to in paragraph 10 above.

13. Recruitment of this type has provided excellent staff for many missions. Until recently, however, it has been constrained by checks, clearances and other procedures required by the standard recruitment process. Further, staff recruitment in this category has added significantly to the administrative burdens and costs of mission personnel offices, as they were subject to the provisions of the 100-series of staff rules normally meant to cover non-project United Nations career personnel.

14. Following inter-departmental consultations on this problem within the Secretariat, an accelerated recruitment procedure for missions, involving streamlined arrangements for medical and other clearances, was introduced in April 1993.

15. A related difficulty is that the Organization's staff rules did not provide for a suitable contractual instrument to employ large numbers of personnel for

short assignments. To address this problem, a revision of the 300 series of staff rules has been completed and will be submitted to the General Assembly during its current session. The new rules provide a non-career regime for appointments of limited duration (up to four years) and will do much to speed the recruitment process and alleviate the burden of administering large numbers of staff members in the field under the 100-series staff rules. OHRM and the Field Operations Division (FOD) are also examining other aspects of the staff rules, as well as related policies and procedures, with a view to adjusting them to serve the Organization better in field situations.

16. The improvements listed above will do much to streamline the recruitment and administration of new United Nations staff for core positions. This system, however, does not provide the most suitable means for the rapid mobilization of teams of personnel for non-core functions that need to be deployed urgently, particularly during the start-up, "surge" phase of a mission. Consequently, alternative methods had to be investigated.

VI. USE OF UNITED NATIONS VOLUNTEERS

17. The use of significant numbers of United Nations Volunteers in peace-keeping operations is fairly recent. These Volunteers possess a wide range of skills, often have experience with field activities in a United Nations context and are less costly than internationally recruited staff members. Many were employed in UNTAC and significant numbers are also being recruited for the United Nations Operation in Mozambique (ONUMOZ) and for the United Nations Operation in Somalia (UNOSOM). The experience with United Nations Volunteers thus far suggests both the strengths and the limitations of this source of civilian personnel.

18. The UNTAC experience suggests that the Volunteers can be a very useful and cost-effective source of civilian support personnel for tasks such as election monitoring, which require their deployment at the grass-roots level where their interaction with the local population seems to be especially effective. The Secretary-General thus sees no difficulty with the recommendation of the Advisory Committee on Administrative and Budgetary Questions (A/47/990, para. 19) that greater use be made of their services in missions. It should therefore be noted that their mandate, as established by General Assembly resolution 2659 (XXV) of 7 December 1970, may have to be clarified to confirm their involvement in activities beyond those related to development assistance. The administrative aspects of using United Nations Volunteers are normally addressed in the memoranda of understanding signed for individual missions. In this context, it has been clarified that in matters of security, the Volunteers and other United Nations staff shall henceforth be subject to the same conditions, stipulations and entitlements, under the overall authority of the Security Coordinator. It should further be clarified that for the duration of their service in a United Nations peace-keeping mission, the Volunteers should be under the authority of, and accountable to, the Chief of Mission.

VII. USE OF INTERNATIONAL CONTRACTUAL PERSONNEL

1. Pilot project in the United Nations Protection Force (UNPROFOR)

19. By mid 1992, a serious staff shortage had developed in UNPROFOR, despite strenuous attempts to provide qualified staff through secondment from Governments, assignment from within the United Nations system and recruitment from outside. To alleviate the problem and allow the operation to carry out the mandate, an innovative means of recruitment had to be devised. It was against this background that the pilot project to acquire urgently the services of civilian support personnel by contract through international service agencies, summarized by the Secretary-General to the General Assembly in his report on the financing of UNPROFOR (A/47/741), was begun by the Protection Force in November 1992. This situation provides, in effect, a classic example of the difficulty described in paragraphs 8-12 above: the inadequacy of existing mechanisms and procedures to provide rapidly a large number of personnel needed for the establishment or strengthening of a major peace-keeping operation. It should be noted that in UNPROFOR, the problem was compounded by the political circumstances in the mission area, which made it impractical to use locally recruited staff for a great number of positions. While this kind of difficulty may not arise in every operation, it may well occur in some.

20. In UNPROFOR, the personnel acquired represent a variety of support skills, especially in technical and trades areas. Their services are being provided for 12-month periods through contracts under which the international service agencies concerned undertook responsibility for (a) the nomination of personnel for review and selection by the mission; (b) the recruitment of those selected; (c) their travel to and from the mission; (d) their remuneration; and (e) their insurance. UNPROFOR assumed responsibility for their meals and accommodation and for emergency medical care. These arrangements are in line with those frequently and increasingly employed by Governments to provide similar services, particularly in conjunction with the deployment of military personnel, as well as by the private sector for projects requiring qualified technical support staff.

21. The contracting international service agencies, which provide several candidates for each available post, were specifically requested to offer multinational personnel to the extent possible; at the end of August 1993, the 304 persons employed in UNPROFOR under these arrangements were drawn from more than two dozen countries on five continents.

22. Reporting in December 1992 on the financing of UNPROFOR, ACABQ noted the relatively low cost of the contractual personnel (see also para. 24 below) and expressed the view that similar procedures should be used, where appropriate, in other peace-keeping operations (A/47/778, para. 41).

2. Evaluation of the pilot project

23. From the operational point of view, this initiative has been a notable success. On average, the contracted personnel have been deployed to their mission stations within 28 days of the signing of contracts - significantly

faster than would have been possible had staffing proceeded through the normal channels. The differences between their status and that of staff members has not caused difficulties with the local population nor compromised the political objectives of the mission in any way. Their performance on the job is evaluated as at least equal to that which would be expected of United Nations personnel recruited for mission service by OHRM or assigned to a mission from other offices. On this subject, UNPROFOR has reported that the personnel in question are performing satisfactorily and that their standards "are quite high in terms of both professionalism and work ethics"; it considers the pilot project instrumental in enabling the mission to carry out its mandate.

24. The Advisory Committee on Administrative and Budgetary Questions, as indicated in paragraph 22 above, noted the cost-effectiveness of this procedure. Cost, however, has not been the prime criterion in selecting one contracting international service agency in preference to another. Considerable weight has been given to the following factors: the experience and reliability of each contractor; how the contractor proposes to ensure the high quality of the personnel that it nominates; how quickly the contractor can deploy the personnel selected and how well can it support them; the number of qualified female candidates the contractor can nominate; and, finally, the geographic distribution of the personnel that it proposes. Similarly, cost is not the exclusive criterion for the selection of individuals; due account is taken of qualifications, experience, perceived ability to perform effectively and the need for a broad geographic spread.

3. Remuneration of contractual personnel

25. In its report to the General Assembly on administrative and budgetary aspects of the financing of United Nations peace-keeping operations, the Advisory Committee on Administrative and Budgetary Questions raised questions related to the remuneration of contractual personnel. It considered that the Assembly should be apprised in particular of the issue of whether their salary rates should reflect primarily their country of recruitment or the quality of the services delivered, due regard being paid to compliance with the principle of equal pay for equal work and safeguards against possible abuse and exploitation (A/47/990, para. 18).

26. The Secretary-General understands and shares the Advisory Committee's concerns. At the same time, it is important to point out that so far, no evidence of exploitation or abuse has emerged in connection with the use by the United Nations of contractual personnel of this kind. Applicants interested in such employment write to the contracting company at their own initiative and are under no obligation to accept any conditions of service offered to them. In fact, in order to attract good candidates, contractors tend to offer a salary and benefits package considered competitive to the pool of potential candidates from which they would recruit.

27. To answer such concerns further, the Secretary-General will review the language of contracts to ensure that full disclosure of the terms of employment is communicated to the applicants and to prohibit any exploitative practices such as hidden or unauthorized deduction from wages. He also intends to review

compensation packages offered by contractors for contract field teams within the more general framework of other contracted personnel to ensure that no abusive or exploitative practices are allowed. In this context, it should be noted further than the international service agencies themselves are subjected to a rigorous pre-selection process to ensure that they are reputable and reliable businesses, as well as companies that adhere to generally accepted business standards and ethics.

28. On the question of pay equality, contractual personnel receive a base salary and a uniform monthly incentive allowance. While there are cases in which persons performing similar functions are not paid the same aggregate amount, such disparities can be attributed to differences in the qualifications and experience of the appointees.

4. Future plans

29. In its report on the staffing of missions the Joint Inspection Unit has recommended that resort to contractual arrangements be further explored and examined (A/48/421, annex, recommendation IV (b)). Furthermore, as indicated in paragraph 5 above the positive outcome of the pilot project in UNPROFOR has encouraged the Secretary-General to envisage using similar arrangements to fill non-core support positions across the whole range of peace-keeping missions when the normal methods of assignment or recruitment prove inadequate to the task of providing qualified personnel in sufficient numbers without unacceptable delays. The use of contractual arrangements in such cases would have a number of advantages, among them the following:

(a) It would greatly accelerate the deployment of qualified support personnel to missions;

(b) It would give the Organization easy access to a reservoir of technical/trade/professional skills that are not readily available in the United Nations system or do not exist at all within it;

(c) It would make available more Field Service staff members for managerial and supervisory functions;

(d) It would significantly reduce the burden on mission administrative staff;

(e) It could eventually become a useful source of staff of proven competence for recruitment to the organizations and programmes of the United Nations system;

Moreover, since personnel obtained through these channels would normally hold one-year contracts with their employers, they would not become a burden on the Organization when missions were reduced in scale or terminated. Those whose performance proved unsatisfactory could be promptly removed and replaced. For these reasons, as well as the others indicated above, personnel costs would be contained.

30. It is intended to refine and improve the candidate selection process further in an effort to achieve even broader geographic distribution of personnel, more women appointees at higher levels and more candidates for each post so as to give the United Nations a greater role in the selection process. At the same time, the contracting international service agencies would be required to propose not just individuals, but contract field teams, i.e. teams of workers complete with their own procedures and administrative support. This provision should improve efficiency and, in addition, would reflect more clearly the distinct character and status of this category of personnel.

31. In light of the above, the Secretary-General would welcome endorsement by the General Assembly of his plans to resort to contractual arrangements as an additional source of civilian personnel in peace-keeping missions, under the terms specified in paragraphs 33-37 below.

32. International contractual personnel are employees of their respective international service agencies. They are not staff members, employees or agents of the United Nations. They are therefore not entitled to the emoluments and benefits of United Nations staff members, employees or agents.

33. International contractual personnel would not perform "core functions" as these functions have been defined in paragraph 5 above. Furthermore, to the extent possible, the functions to be performed by such personnel would relate to technical and mechanical skills, trade and related fields. Whenever possible, the personnel would be organized in self-contained teams. These delineations, are designed to distinguish further among the various categories of personnel engaged in peace-keeping operations and, inter alia, to ensure that contractual personnel would not normally find themselves in supervisory positions as regards United Nations staff members, while still allowing for the proper functioning of such operations.

34. Although international contractual personnel are employees of the contracted international service agencies, they work under the overall authority of the Chief of the Mission for the duration of their tenure with the United Nations peace-keeping operation. The Chief of Mission therefore has the authority, and indeed the obligation, to monitor their services and, when necessary, demand that the relevant service agency replace those persons whose performance or conduct is deemed unsatisfactory. The Secretariat would introduce appropriate internal mechanisms to monitor the performance and the conduct of the contractual personnel and to control the quality of services they perform.

35. The contractual documents to be concluded between the United Nations and the international service agencies would require that they fully indemnify, defend and hold harmless the United Nations from and against third party claims arising from acts or omissions of personnel supplied by them. Such indemnity obligations would be accompanied by financial guarantees in amounts commensurate with the potential exposure of the Organization to such third party claims.

36. International contractual personnel, while not covered under the Convention on Privileges and Immunities of the United Nations, as they are neither officials of the Organization nor experts performing missions for the

Organization, should nevertheless be accorded legal protection. This protection would extend to immunity from legal process in respect of words spoken and written and all acts performed by them in their official capacity, as well as entitlement to repatriation in times of international crisis. This legal protection would be expressly stated and included in the Status of Force Agreements concluded between the United Nations and future host Governments.

VIII. LOCAL STAFF

37. About two thirds of the civilian posts in current peace-keeping operations are staffed by locally recruited personnel, usually in the General Service and related categories. These persons are largely clerks, typists, secretaries, drivers, security guards, messengers and other administrative support staff. In general, the difficulties encountered in filling international civilian posts in missions, as described in sections II-VII above, have not applied to these locally recruited posts and vacancy levels have been relatively low.

38. In its report, the Advisory Committee called attention to the "significant number" of international General Service staff employed in such operations and expressed the belief that greater efforts should be made to recruit such personnel locally (A/47/990, para. 15). A similar recommendation has indeed been recently made by the Joint Inspection Unit (A/48/421, annex, recommendation IV (a)). The Secretary-General is prepared to make all reasonable efforts in this direction, but wishes to point out that the ability to make use of local personnel for a particular peace-keeping operation depends largely on (a) the size and nature of that operation and of its staffing table; (b) the labour market in the country in which it is situated, including the language and other more specialized skills available; and (c) political factors, such as the ability of local personnel to move freely and otherwise function within the mission area.

IX. SECURITY

39. The Secretary-General has reported separately to the General Assembly and to the Security Council on the security of United Nations operations and the personnel attached to them, both civilian and military (A/48/349-S/26358 of 27 August 1993). The security measures envisaged therein apply to all categories of personnel contributing to United Nations field operations.

X. CONCLUSION

40. Experience has shown that no single source can provide the civilian personnel required to support field missions. Although staffing needs can vary enormously from mission to mission, in all but the smallest of missions a mix will usually be required, including seconded or assigned personnel, newly recruited staff, volunteers and contractual personnel. The Secretary-General intends to draw on all the categories described in sections II to VIII of the present report so as to provide existing and future missions with the personnel they need to function effectively and at minimum cost.

Notes

1/ *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 1* (A/48/1), chap. IV, sect. C.